

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

Group I, Claims 1-5, and 16-21 are drawn to a positive electrode material.

Group II, Claims 6-15 are drawn to a method of producing a positive electrode material.

Applicants hereby elect Group I, Claims 1-5 and 16-21, and also elect LiCoO_2 as the single species in accordance with the Examiner's requirement. All of the claims of Group I are readable on the elected species.

Applicants traverse this Restriction Requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the two groups.

Moreover, the MPEP at § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement.

Withdrawal of the Restriction Requirement is respectfully requested.

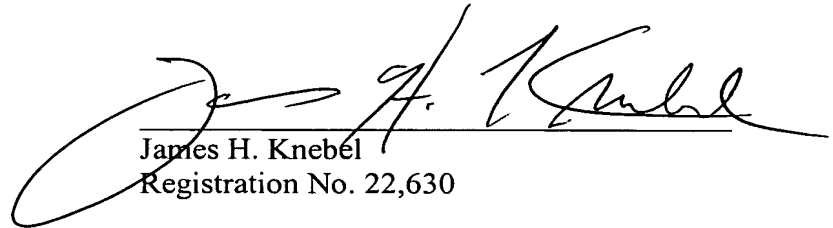
Applicants respectfully submit that the above-identified application is now in
condition for examination on its merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)



James H. Knebel
Registration No. 22,630